

Presentment Date: September 6, 2022

Objection Deadline: September 5, 2022 at 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth and ERS.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE FOUR
HUNDRED SIXTY-FOURTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO AND THE EMPLOYEES RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO
TO CLAIMS FOR WHICH THE DEBTORS ARE NOT LIABLE (ECF NO. 20795)**

PLEASE TAKE NOTICE that, on August 29, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight”

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit this *Notice of Presentment of Proposed Order Granting the Four Hundred Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Claims for Which the Debtors are Not Liable* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on May 13, 2022, the Debtors, by and through the Oversight Board, filed the *Four Hundred Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Claims for Which the Debtors are Not Liable* [ECF No. 20795] (the “Four Hundred Sixty-Fourth Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that, the Four Hundred Sixty-Fourth Omnibus Objection was scheduled for hearing on June 29, 2022.

PLEASE TAKE FURTHER NOTICE that, any party against whom the Four Hundred Sixty-Fourth Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Four Hundred Sixty-Fourth Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico (the “Court”) by 4:00 p.m. (Atlantic Standard Time) on June 13, 2022 (the “Response Deadline”).

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Four Hundred Sixty-Fourth Omnibus Objection, if no responses were filed by the Response Deadline, the Four

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Hundred Sixty-Fourth Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to the Four Hundred Sixty-Fourth Omnibus Objection, [ECF No. 20795-4, at 3].

PLEASE TAKE FURTHER NOTICE that, according to this Court’s *Sixteenth Amended Case Management Procedures* [ECF No. 20190-1] (the “Case Management Procedures”), the Court may enter an order granting request for relief without a hearing upon receipt of a certificate of no objection (“CNO”, as defined by the Case Management Procedures). *See* Case Management Procedures, Section III, paragraph P.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Case Management Procedures, the undersigned hereby certifies that this Notice is filed not less than forty-eight (48) hours after the expiration of the Response Deadline.

PLEASE TAKE FURTHER NOTICE that the undersigned hereby certifies that counsel for the Oversight Board has reviewed, not less than forty-eight (48) hours after expiration of the Response Deadline, (i) the docket in the above-captioned case, (ii) mailings received by Kroll Restructuring Administration, LLC (“Kroll”), (iii) mailings received by the Oversight Board, and (iv) mailings received by counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico and forwarded to counsel for the Oversight Board and, to the best of the undersigned’s knowledge, no applicable objection, responsive pleading, or request for a hearing with respect to the Four Hundred Sixty-Fourth Omnibus Objection has been submitted.

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit A** is a proposed order (the “Proposed Order”) granting the relief requested in the Four Hundred Sixty-Fourth Omnibus Objection.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Case Management Procedures, “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court **by 4:00 p.m. (Atlantic Standard Time) on September 5, 2022**, the relief requested in the Four Hundred Sixty-Fourth Omnibus Objection shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that, copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

[Remainder of Page Intentionally Left Blank]

Dated: August 29, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock

Brian S. Rosen

(Admitted *Pro Hac Vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

Email: mbienenstock@proskauer.com

brosen@proskauer.com

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García Benítez

USDC No. 203708

O'NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

Email: Hermann.bauer@oneillborges.com

*Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative of the Commonwealth of Puerto
Rico and the Employees Retirement System of
the Commonwealth of Puerto Rico*